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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

**Complete if Known**

Application Number	10/657,045
Filing Date	September 4, 2003
First Named Inventor	Tedeschi et al.
Examiner Name	Fubara, Blessing M.
Art Unit	1615
Attorney Docket No.	P297CON2 (51288-0061US)

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number 50-3207  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Louis C. [Signature]	Registration No. (Attorney/Agent)	39,645	Telephone	949-253-0900
Signature	[Signature]	Date	8/12/04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**CERTIFICATE OF MAILING**  
I hereby certify that on 8/12/04, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Margaret M. Hanson

**PATENT**  
Attorney Docket No.: P297CON2 (51288-00061 US)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Tedeschi et al.

**Serial No.:** 10/657,045

**Filed:** September 4, 2003

**Title:** USES FOR MEDICAL DEVICES HAVING  
A LUBRICIOUS, NITRIC OXIDE-  
RELEASING COATING

**Conf. No.:** 1082

**Examiner:** Blessing M. Fubara

**Art Unit:** 1615

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§609 and 707.05(b), enclosed is a copy of the substitute for FORM PTO-1449 listing the references that are known to applicant. Applicants enclose copies of each of the listed references which are not U.S. patents.

This art is being filed for consideration in compliance with § 1.97 within the following time period:

In accordance with 37 C.F.R. § 1.97 (c) This information is being filed for consideration and entry after the period specified in paragraph 37 C.F.R. § 1.97(b), but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

Applicants enclose the fee of \$180.00 as set forth in § 1.17(p).

The submission of the above-described documents does not constitute an admission nor should it be construed as a representation that: a search has been made, or that it is material to patentability as defined in § 1.56(b).

Applicant reserves the right to antedate or otherwise remove the documents as references.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of the substitute for FORM PTO-1449 be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

Respectfully submitted,

PRESTON GATES & ELLIS, LLP

Date

8/12/04

By:

LOUIS CULLMAN

Attorney for Applicant  
Registration No. 39,645

Contact information below for inquiries  
regarding the above submission:

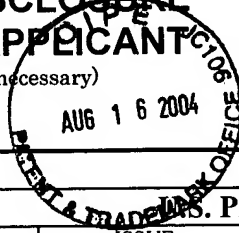
Customer No.: 28,390  
Louis C. Cullman  
Preston Gates Ellis LLP  
(949) 253-0900 Telephone  
(949) 253-0902 Fax

Enclosures: PTO-1440 and References cited thereon, check in the amount of \$180.00, Amendment, Application Data Sheet and Transmittal.

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4



Application Number	10/657,045
Filing Date	09/04/03
First Named Inventor	Tedeschi et al.
Group Art Unit	1615
Examiner Name	Fubara, Blessing M.
Attorney Docket Number	P297CON2 (51288-00061US)

U.S. PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,373,009	02/08/83	Winn	428	424.2	
	4,585,666	04/29/86	Lambert	427	2	
	4,625,012	11/25/86	Rizk et al.	528	28	
	4,894,231	01/16/90	Moreau et al.	424	426	
	5,032,666	07/16/91	Hu et al.	528	70	
	5,040,544	08/20/91	Lessar et al.	607	122	
	5,134,192	07/28/92	Feijen et al.	525	54.1	
	5,171,217	12/15/91	March et al.	604	507	
	5,380,299	01/10/95	Fearnot et al.	604	265	
	5,383,928	01/24/95	Scott et al.	623	1.12	
	5,447,724	09/05/95	Heimus et al.	424	426	
	5,464,650	11/07/95	Berg et al.	427	2.3	
	5,470,307	11/28/95	Lindall	604	20	
	5,512,055	04/30/96	Domb et al.	604	265	
	5,525,348	06/11/96	Whitbourne et al.	424	423	
	5,554,182	09/10/96	Dinh et al.	600	36	
	5,562,922	10/08/96	Lambert	424	486	
	5,571,089	11/05/96	Crocker	604	103.01	
	5,591,227	01/07/97	Dinh et al.	623	1.22	
	5,605,696	02/25/97	Eury et al.	424	423	
	5,609,629	03/11/97	Fearnot et al.	623	1.42	
	5,612,052	03/18/97	Shalaby	424	426	
	5,624,411	04/29/97	Tuch	604	265	
	5,637,113	06/10/97	Tartaglia et al.	623	1.42	
	5,645,931	07/08/97	Fan et al.	428	334	
	5,660,873	08/26/97	Nikolaychik et al.	427	2.24	
	5,662,960	09/02/97	Hostettler et al.	427	2.3	
	5,674,192	10/07/97	Sahatjian et al.	604	28	
	5,683,451	11/04/97	Lenker et al.	623	1.11	
	5,698,738	12/16/97	Garfield et al.	564	112	
	5,700,286	12/23/97	Tartaglia et al.	623	1.15	
	5,702,754	12/30/97	Zhong	427	2.12	
	5,705,583	01/06/98	Bowers et al.	526	277	
	5,756,145	05/26/98	Darouiche	427	2.24	
	5,756,553	05/26/98	Iguchi et al.	514	772.3	

EXAMINER SIGNATURE	DATE CONSIDERED
<p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.</p> <p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.</p>	

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 4

Application Number	10/657,045
Filing Date	09/04/03
First Named Inventor	Tedeschi et al.
Group Art Unit	1615
Examiner Name	Fubara, Blessing M.
Attorney Docket Number	P297CON2 (51288-00061US)

	5,762,944	06/09/98	Inoue et al.	424	400	
	5,770,229	06/23/98	Tanihara et al.	424	488	
	5,776,611	07/07/98	Elton et al.	428	423.1	
	5,792,106	08/11/98	Mische	604	103.01	
	5,797,887	08/25/98	Rosen et al.	604	265	
	5,824,049	10/20/98	Ragheb et al.	623	1.44	
	5,824,054	10/20/98	Khosravi et al.	623	1.44	
	5,843,120	12/01/98	Israel et al.	523	1.15	
	5,843,166	12/01/98	Lentz et al.	623	1.13	
	5,843,172	12/01/98	Yan	623	1.42	
	5,849,368	12/15/98	Hostettler et al.	427	536	
	5,853,745	12/29/98	Darouiche	424	423	
	5,869,127	02/09/99	Zhong	427	2.12	
	5,873,904	02/23/99	Ragheb et al.	623	1.13	
	5,891,108	04/06/99	Leone et al.	604	264	
	5,900,246	05/04/99	Lambert	424	429	
	5,919,570	07/06/99	Hostettler et al.	428	424.8	
	5,972,027	10/26/99	Johnson	623	1.42	
	5,997,517	12/07/99	Whitebourne	604	265	
	6,024,763	02/15/00	Lenker et al.	606	191	
	6,048,360	04/11/00	Khosravi et al.	623	1.11	
	6,090,901	07/18/00	Bowers et al.	526	277	
	6,096,070	08/01/00	Ragheb et al.	623	1.39	
	6,153,252	11/28/00	Hossainy et al.	427	2.3	
	6,156,345	12/05/00	Chudzik et al.	424	485	
	6,197,051	03/06/01	Zhong	623	1.46	
	6,214,901	04/10/01	Chudzik et al.	523	113	
	6,254,632	07/03/01	Wu et al.	623	1.15	
	6,258,121	07/10/01	Yang et al.	623	1.46	
	6,287,285	09/11/01	Michal et al.	604	264	
	6,299,604	10/09/01	Ragheb et al.	604	265	
	6,306,176	10/23/01	Whitbourne	623	23.59	
	6,344,035	02/05/02	Chudzik et al.	604	265	
	6,355,060	03/12/02	Lenker et al.	623	1.34	
	6,379,382	04/30/02	Yang	623	1.42	
	6,451,050	09/17/02	Rudakov et al.	623	1.15	
	6,451,373	09/17/02	Hossainy et al.	427	2.25	

EXAMINER  
SIGNATURE

DATE  
CONSIDERED

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(use as many sheets as necessary)

Sheet 3 of 4

Application Number	10/657,045
Filing Date	09/04/03
First Named Inventor	Tedeschi et al.
Group Art Unit	1615
Examiner Name	Fubara, Blessing M.
Attorney Docket Number	P297CON2 (51288-00061US)

6,458,152	10/01/02	Khosravi et al.	623	1.13	
6,488,701	12/03/02	Nolting et al.	623	1.13	
6,506,437	01/14/03	Harish et al.	427	2.25	
6,547,814	04/15/03	Edwin et al.	623	1.13	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	357401B1	3/90	EP			X	
	352295 B1	6/93	EP			X	
	397784 B1	10/93	EP			X	

## OTHER DOCUMENTS

EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Adams et al., "Inhibition of Nitric Oxide Synthase Disrupts Inhibitory Gating of Auditory Responses in Rat Hippocampus," The Journal of Pharmacology and Experimental Therapeutics, 287:760-5 (November 1998)
	Berkenbosch et al., "Management of Postoperative Chylothorax with Nitric Oxide: A Case Report," Critical Care Medicine, 27:1022-4 (May 1999)
	Carrier et al., "Nitric Oxide Inhalation in the Treatment of Primary Graft Failure Following Heart Transplantation," The Journal of Heart and Lung Transplantation, 18:664-7 (July 1999)
	Cooper et al., "Transient Loss of Resistance to Pulmonary Tuberculosis in p47PHOX-/-Mice," Infection and Immunity, 68:1231-4 (March 2000)
	El-Haddad et al., "Nitric Oxide Modulates Spontaneous Swallowing Behaviour in Near-Term Ovine Fetus," American Journal of Physiology, 277:R981-6 (October 1999)
	Freedman, et al., "Acute Effect of Nitric Oxide on Raynaud's Phenomenon in Scleroderma," The Lancet, 354:739 (August 1999)
	Goodwin et al., "Favorable Response of Eisenmenger Syndrome to Inhaled Nitric Oxide During Pregnancy," American Journal of Obstetrics and Gynecology, 180:64-7 (January 1999)
	Gradini et al., "Nitric Oxide Synthases in Normal and Benign Hyperplastic Human Prostate: Immunohistochemistry and Molecular Biology," Journal of Pathology, 189:224-9 (October 1999)
	Holopainen et al., "Nitric Oxide Inhalation Inhibits Pulmonary Apoptosis but not Inflammatory Injury in Porcine Meconium Aspiration," Acta Paediatrica, 88:1147-55 (October 1999)
	Ishihara et al., "Inhaled Nitric Oxide Prevents Left Ventricular Impairment During Endotoxemia," Journal of Applied Physiology, 85:2018-24 (December 1998)

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(use as many sheets as necessary)

Sheet 4 of 4

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First Named Inventor	Tedeschi et al.
Group Art Unit	1615
Examiner Name	Fubara, Blessing M.
Attorney Docket Number	P297CON2 (51288-00061US)

	Jacobs et al., "Aerosolized Soluble Nitric Oxide Donor Improves Oxygenation and Pulmonary Hypertension in Acute Lung Injury," American Journal of Respiratory and Critical Care Medicine, 158:1536-42 (November 1998)
	Kiris et al., "Reversal of Cerebral Vasospasm by the Nitric Oxide Donor SNAP in an Experimental Model of Subarachnoid Haemorrhage," Acta Neurochirurgica, 141:1323-9 (1999)
	Lambertmont et al., "Effects of Inhaled Nitric Oxide on Pulmonary Hemodynamics in a Porcine Model of Endotoxin Shock," Critical Care Medicine, 27:1953-7 (September 1999)
	Lewis et al., "Nitric Acid Limits the Eicosanoid-Dependant Bronchoconstriction and Hypotension Induced By Endothelin-1 in the Guinea Pig," British Journal of Pharmacology, 126:93-102 (January 1999)
	Payen, et al., "Inhaled Nitric Oxide, Almitrine Infusion, or Their Coadministration as a Treatment of Severe Hypoxemic Focal Lung Lesions," Anesthesiology, 89:1157-65 (November 1998)
	Samama et al., "Inhibition of Nitric Oxide Synthase Impairs Early Olfactory Associative Learning in Newborn Rats," Neurobiology of Learning and Memory, 71:219-31 (March 1999)
	Sullivan et al., "Nitric Oxide Successfully used to treat Acute Chest Syndrome of Sickle Cell Disease in a Young Adolescent," Critical Care Medicine, 27:2563-8 (November 1999)

<b>EXAMINER SIGNATURE</b>	<b>DATE CONSIDERED</b>
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